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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/545,194	08/11/2005	Man-Yop Han	H05950.0026/P026	9959
24998	7590	06/30/2008		
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER BRADFORD, CANDACE L	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 06/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/545,194	Applicant(s) HAN, MAN-YOP	
	Examiner CANDACE L. BRADFORD	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the middle portion" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the compression force" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the generated force" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the corner" and "the portion" in lines 2 and 5, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the middle portion" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: In line 7, how is the term 'strengthened' defined? How does one know if it is strengthened for supporting?

The term "frame materials" in claims 5 and 6 is a relative term which renders the claim indefinite. The term "frame materials" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary

skill in the art would not be reasonably apprised of the scope of the invention.

Appropriate correction is required.

Regarding claim 7, the phrase "may be provided" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase is required or not. Appropriate correction is required.

The term "removably manufactured" in claim 11 is a relative term which renders the claim indefinite. The term "removably manufactured" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses a scaffolding system for supporting the excavated earth retaining wall 1, by forming a polygonal closed section, comprising a prestressed wale 2, comprising a plurality of triangular tendon supports 6, in the middle portion, a tendon-anchoring unit 5, at both ends of said wale and a connecting brace for connecting said supports and said tendon-anchoring unit, and a strut, as described in the abstract, constituted by a truss or a plurality of H-beams or an H-beam having a large cross section and strengthened for supporting said tendon-anchoring unit.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses the system as defined in claim 1, wherein said triangular tendon support 6, is constituted by a vertical member and inclined member, or only by vertical members, or only by inclined members for forming a triangle and supporting said wale, as best seen in Figure 1.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses the system as defined in claim 1, wherein said triangular tendon support 6, is supported and connected by an intermediate pile 10, and a support beam for the tendon support, as best seen in Figure 3.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses the system as defined in claim 1, wherein said tendon-anchoring unit fixes a tendon and couples with said wale 2, for applying the compression force and further couples with said inclined member or vertical member 10, for supporting the generated force.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses the system as defined in claim 4, wherein said tendon-anchoring unit forms an isosceles triangle, as best seen in Figure 1, by using frame materials, the corner of said isosceles triangle is reinforced by a reinforcing member, wherein said tendon 6, is fixed at one corner of said isosceles triangle and a member facing said corner is directly connected to a truss strut or through a hydraulic jack 12 or a screw jack, and the portion connected with said wale has a length adjusting function, as best seen in Figure 3.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses the system as defined in claim 4, wherein said tendon-anchoring unit forms a trapezoid by using frame materials, the corner of said trapezoid is reinforced by a reinforcing member, said tendon 6 is fixed at both corners, and the middle portion is directly connected to said truss strut or through a hydraulic jack 12, or a screw jack, as best seen in Figure 3.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses the system as defined in claim 4, wherein said tendon-anchoring unit may be provided with an inclined or vertical strut, a tendon 6, entered from one side of said tendon-anchoring unit is fastened at an opposite side, a single wale 2, or a double wale may be supported by said tendon-anchoring unit, as best seen in Figure 3, and said tendon-anchoring unit is equipped with a screw jack 12, or a precedent load jack having a length adjusting function.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses a scaffolding system forming a polygonal closed section only by using a prestressed wale 2, comprising a plurality of triangular tendon supports in the middle portion, a tendon-anchoring unit at both ends of said wale, and a connecting brace 3, for connecting said supports and said tendon-anchoring unit, as best seen in Figure 1.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (JP63019334). Hosaka discloses the system as defined in claim 8, wherein said

tendon-anchoring unit is a corner anchoring unit and is designed to be connected with said wale 2, and to fix a tendon 6, at both sides as best seen in Figure 1.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida (JP63304825). Yoshida discloses a vertical prestressed scaffolding system for supporting a channel type excavating surface, wherein a slab of the structure and intermediate struts 4, are used as supports, an H-beam is inserted from behind a built wale 3, a short support is attached to the front of said wale and supported by a tendon 15, wherein said tendon is fastened to an anchoring unit 13 of both ends of said wale.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida (JP63304825). Yoshida discloses the system as defined in claim 10, wherein said tendon-anchoring unit is for a vertical prestressed scaffolding system, as best seen in Figure 1, in which said wale or vertical beam is removably manufactured, as recited in the abstract.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art
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May 28, 2008